

**Notice of Allowability**

Application No.

09/623,040

Examiner

Bernard E Souw

Applicant(s)

AKIYAMA ET AL.

Art Unit

2881

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response dated November 6, 2003.
2. ☒ The allowed claim(s) is/are 1-8 and 11-21.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☒ including changes required by the proposed drawing correction filed 06 November 2003, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No. <u>1204a</u> | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                  | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

## **DETAILED ACTION**

### ***EXAMINER'S AMENDMENT***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment has been given during a phone conversation on December 04, 2003, with Attorney, Mr. Daniel Stanger, Reg. No. 32,846, for Applicants' Attorney, Mr. John R. Mattingly, Reg. 30,293, telephone no. (703)684-1120.

#### **In the specification:**

On page 23, line 3, after "*unit 275 controls a*", prior to "*control unit 275*", please delete ***[PWM]*** and insert -- ***Pulse Width Modulation (PWM)*** --

### ***Applicant's Amendments***

2. The Amendment and Remarks dated 11/06/2003, has been entered. The present Office Action is made with all the suggested amendments being fully considered.

- ▶ Claims 1-8 have been amended and new claims 11-21 have been added.
- ▶ The specification has been amended.
- ▶ Figs. 1 and 7 have been corrected.

***Drawings Amendment***

3. The drawing amendment of Figs. 1 and 7 proposed with the Amendment dated 11/06/2003 is approved by the Examiner.

***§ 112 Rejection Withdrawn***

4. The previous rejection of claim 8 under 35 USC § 112 is/are now withdrawn, since the specification regarding the acronym "PWM" has now been corrected per examiner's amendment (see above).

***Double Patenting Rejection Withdrawn***

5. Claims 1-8 of the copending application SN 10/287,656 having been cancelled, the previous Double Patenting rejections are now withdrawn.

***Response to Applicant's Arguments***

6. Applicant's arguments filed 11/06/2003 have been fully considered. The following is the Examiner's response.

Applicant's arguments against the previous rejections of claims 1-8 are persuasive. Takegami's apparatus is an electron beam display device that employs row and column directional wires to direct the electron beam, instead of using scanning electromagnets as in Applicant's invention. Although the technical principle underlying the requirement for electric circuit filters is the same, the application of that same

principle to CPB scanning electromagnets has indeed not been anticipated nor rendered obvious by any prior art.

### ***ALLOWANCE***

7. Claims 1-8 and new claims 11-21 are allowed.

Claims 1-8 and 11-21 are subsequently renumbered by the Examiner to claims 1-19.

### ***Reasons for Allowance***

8. The following is an examiner's statement of reasons for allowance:

A charged particle beam (CPB) irradiation apparatus comprising a first and second power supplies for applying pulsed voltages to a first and second ***scanning electromagnets*** for scanning the CPB in a first and a second directions, respectively, wherein the first power supply unit has no filter and the second power supply unit is equipped with a filter to optimize the device performance, is neither anticipated nor rendered obvious by any prior art.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

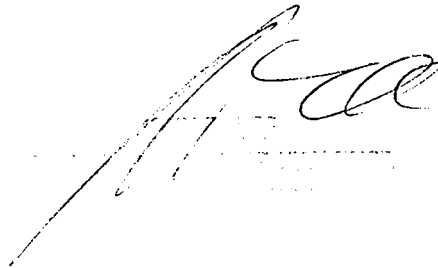
***Communications***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 703 305 0149. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 703 308 4116. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

bes  
December 04, 2003

A handwritten signature in black ink, appearing to read "Bernard E. Souw", is written over a faint, dotted rectangular box. The signature is fluid and cursive, with a long horizontal stroke extending to the left.